

Senate File 589

S-3095

1 Amend Senate File 589 as follows:

2 1. Page 11, after line 23 by inserting:

3 <Sec. _____. NEW SECTION. 704A.1 Restriction on the defense
4 of provocation.

5 For purposes of determining sudden, violent, and
6 irresistible passion resulting from serious provocation
7 sufficient to excite such passion in a person, the provocation
8 was not objectively reasonable if it resulted from the
9 discovery of, knowledge about, or potential disclosure of
10 another person's actual or perceived gender, gender identity,
11 gender expression, or sexual orientation, including under
12 circumstances in which the other person made an unwanted,
13 nonforcible, romantic or sexual advance towards the person, or
14 if the person and the other person dated or had a romantic or
15 sexual relationship. This section shall not preclude a jury
16 from considering all relevant facts to determine whether the
17 person was in fact provoked for purposes of establishing a
18 provocation defense.

19 Sec. _____. NEW SECTION. 704A.2 Restriction on the defense
20 of diminished capacity.

21 A person does not suffer from reduced mental capacity based
22 on the discovery of, knowledge about, or potential disclosure
23 of another person's actual or perceived gender, gender
24 identity, gender expression, or sexual orientation, including
25 under circumstances in which the other person made an unwanted,
26 nonforcible, romantic or sexual advance towards the person, or
27 if the person and the other person dated or had a romantic or
28 sexual relationship.

29 Sec. _____. NEW SECTION. 704A.3 Restriction on the defense of
30 self-defense.

31 A person is not justified in using force against another
32 person based upon the discovery of, knowledge about, or
33 potential disclosure of another person's actual or perceived
34 gender, gender identity, gender expression, or sexual
35 orientation, including under circumstances in which the other

1 person made an unwanted, nonforcible, romantic or sexual
2 advance towards the person, or if the person and the other
3 person dated or had a romantic or sexual relationship.>
4 2. By renumbering as necessary.

CLAIRE CELSI

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